

Message Text

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ORIGIN DLOS-03

INFO OCT-01 ISO-00 SSO-00 CCO-00 SS-15 /019 R

66011

DRAFTED BY: D/LOS:PBERNHARDT

APPROVED BY: D/LOS:PBERNHARDT

S/S-MR MOFFAT

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

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FOLLOWING REPEAT USUN 1900 ACTION SECSTATE INFO OTTAWA 03 MAY

QUOTE

S E C R E T USUN 1900

FROM LOS DEL

FOR D/LOS - ALAN JAMES

E.O. 11652: XGDS-3

TAGS: PLOS

SUBJECT: LOS: ARCTIC POLLUTION ARTICLE

REFS: (A) OTTAWA 1721; (B) USUN 1874

1. AMB. LEARSON RECOMMENDS THAT DEPARTMENT REPEAT FOLLOWING TO SECRETARY FOR USE DURING HIS MAY 6 BREAKFAST WITH CANADIAN FOREIGN SECRETARY MACEACHEN.

2. BACKGROUND. US, CANADA, AND USSR REACHED AD REFERENDUM AGREEMENT IN MID-APRIL ON AN ARTICLE FOR LOS TREATY GIVING ARCTIC COASTAL STATES POLLUTION CONTROL AUTHORITY OVER VESSELS IN THEIR ECONOMIC ZONES IN THE ARCTIC. US AND CANADA AGREEMENT INCLUDED SEVERAL RELATED UNDERSTANDINGS

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INCLUDING UNDERSTANDING THAT CANADA WOULD SUPPORT US

POSITION ON STRAITS CONNECTING TWO PARTS OF HIGH SEAS.
CANADIAN SECRETARY OF STATE FOR EXTERNAL AFFAIRS MACEACHEN
AND US AMB. LEARSON AGREED TO SUBMIT PACKAGE TO RESPECTIVE
GOVERNMENTS FOR APPROVAL. USG HAS NOW APPROVED PACKAGE, USSR
IS ANXIOUS TO HAVE ARCTIC ARTICLE APPEAR IN NEW TEXT.
HOWEVER, US LOSDEL IS AWAITING WORD OF CANADIAN APPROVAL
ON STRAITS QUID PRO QUO BEFORE AGREEING TO ARTICLE SINCE
USG APPROVAL COVERS ENTIRE PACKAGE OF UNDERSTANDINGS AND
NOT JUST ARCTIC ARTICLE. MOREOVER, ARCTIC ARTICLE
SPECIFICALLY DESIGNED TO ACCOMMODATE CANADIAN DESIRES TO
CONTROL SHIPPING FOR POLLUTION PURPOSES IN NORTHWEST
PASSAGE, THUS MAKING IT POSSIBLE FOR THEM TO SUPPORT US
ON STRAITS.

AMB. LEARSON SPOKE TO AMB. BEESLEY OF CANADA APRIL
30 AND BEESLEY SAID HE DID NOT YET HAVE APPROVAL FROM
OTTAWA. LEARSON RAISED STRAITS ISSUE AS PART OF RELATED
UNDERSTANDINGS AND BEESLEY SAID NOT TO WORRY. BEESLEY
SAID HE MIGHT GET INSTRUCTIONS THIS WEEK. LEARSON REPLIED
THAT THAT WAS TOO LATE. THE SECRETARY WILL RECALL THAT
BEESLEY TOOK A GRATUITOUS SWIPE AT US STRAITS POSITION
DURING SECRETARY'S CALL ON THE CONFERENCE LEADERSHIP IN
N.Y. BEESLEY HAS COMPLAINED TO US THAT STRAITS ARTICLES
ARE VAGUE AND BADLY DRAFTED AND THAT HE WOULD LIKE TO HAVE
DETAILED DISCUSSION OF THEM WITH US AND OTHERS. US LOSDEL
HAS JOINED CANADA IN SOLVING ONE PARTICULAR PROBLEM IN
TEXT. OTHERWISE, HOWEVER, US LOSDEL IS NOT WILLING TO
REOPEN ARTICLES ON THIS VITAL ISSUE. ALTHOUGH SOME STRAITS
STATES REMAIN IN OPPOSITION, WE FEEL THAT TEXT WILL BE
ACCEPTED BY CONFERENCE AS PART OF OVERALL ACCEPTABLE TREATY
PACKAGE.

LOS CONFERENCE THIRD COMMITTEE CHAIRMAN YANKOV
(BULGARIA) IS PRESENTLY DRAFTING REVISED LOS MARINE
POLLUTION TEXT WHICH WE WILL SUBMIT TO PRESIDENT
AMERASINGHE ON TUESDAY, MAY 4, FOR TRANSLATION AND
ISSUANCE TO JELEGATES.

USSR HAS GIVEN TEXT OF ARCTIC ARTICLE TO YANKOV.
ALTHOUGH YANKOV UNDERSTANDS THAT US HAS NOT GIVEN FINAL
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ASSENT TO ARTICLE, USSR WILL CERTAINLY TELL HIM TO PUT
ARTICLE IN TEXT EVEN WITHOUT OUR FINAL APPROVAL, SINCE
THE SOVIETS WANT THE ARTICLE IN TREATY. CANADIANS
ADMITTED TO US THAT THEY ALSO GAVE THE ARTICLE TO YANKOV,
BUT TOLD HIM THAT US AND CANADA DID NOT HAVE INSTRUCTIONS.

CANADA WOULD DOUBTLESSLY BE PLEASED TO HAVE ARCTIC
ARTICLE PUT IN REVISED TEXT WITHOUT FINAL US APPROVAL IF

RESULT WERE THAT CANADA DID NOT HAVE TO SUPPORT US POSITION ON STRAITS. CONSEQUENTLY, THIS IS FINAL REALISTIC OPPORTUNITY FOR US TO TIE DOWN CANADIAN SUPPORT ON STRAITS.

AMBASSADOR ENDERS DISCUSSED PROBLEM WITH CANADIAN OFFICIALS OVER WEEKEND WITH FOLLOWING CANADIAN POSITION EMERGING:

A. MACEACHEN DOES NOT UNDERSTAND THE AD REFERENDUM AGREEMENT AS APPLYING TO THIS SESSION.

B. MACEACHEN PROPOSES TO SUBMIT ARCTIC POLLUTION ARTICLE PLUS STRAITS ARTICLES TO CABINET WHEN LATTER ARE AVAILABLE ON THE LINKED BASIS AGREED WITH AMBASSADOR LEARSON.

C. MACEACHEN WOULD NOT COMMIT HIMSELF TO RECOMMEND CABINET ADOPTION OF THE AD REFERENDUM AGREEMENT BEFORE SEEING THE NEW STRAITS ARTICLES.

3. RECOMMENDATION. BECAUSE OF MACEACHEN'S PERSONAL INVOLVEMENT IN DISCUSSION OF THE PACKAGE WITH AMBASSADOR LEARSON AND ENDERS INTERVENTION DURING WEEKEND, MACEACHEN MIGHT MISINTERPRET A FAILURE TO RAISE THE ISSUE AT THE BREAKFAST CONVERSATIONS AS A LACK OF INTEREST. ON THE OTHER HAND, THE BREAKFAST MEETING WILL COME TOO LATE TO HAVE ANY DIRECT IMPACT ON THIS SESSION OF THE CONFERENCE AND IT IS UNLIKELY THAT MACEACHEN WILL BE IN A POSITION TO COMMIT THE CANADIAN GOVERNMENT AT THE TIME. ON BALANCE, WE RECOMMEND THAT THE SECRETARY RAISE THE ISSUE WITH MACEACHEN DURING THE MAY 4 BREAKFAST, AND SUBMIT TALKING SECRET

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POINTS BELOW.

TALKING POINTS:

(A) I WAS PLEASED WHEN YOU AND AMB. LEARSON WERE ABLE TO AGREE ON A PACKAGE ON VESSEL POLLUTION CONTROL IN ARCTIC AND STRAITS TRANSIT TO BE SUBMITTED TO OUR GOVERNMENTS FOR APPROVAL.

(B) WE UNDERSTOOD THAT SUCH APPROVAL WAS TO BE SOUGHT IMMEDIATELY SO THAT THE THREE OF US - CANADA, THE USSR, AND THE US - COULD SUPPORT INCLUSION OF AN ARCTIC ARTICLE IN THE REVISED LOS TEXTS PREPARED IN NEW YORK.

(C) WE HAVE APPROVED THE PACKAGE INCLUDING THE

ARCTIC ARTICLE ZUT ONLY AS PART OF THE PACKAGE OF RELATED UNDERSTANDINGS WITH CANADA. OUR DELEGATION HAS TOLD CHAIRMAN YANKOV OF THE THIRD COMMITTEE THAT WE DO NOT HAVE INSTRUCTIONS ON THE ARTICLE

(D) THE ISSUE OF TRANSIT OF STRAITS CONNECTING TWO PARTS OF THE HIGH SEAS IS VITAL FOR THE US AND WE FELT THAT THE ARCTIC POLLUTION ARTICLE, WHICH WOULD APPLY TO THE NORTHWEST PASSAGE, WAS DIRECTED TOWARD SOLVING YOUR SUBSTANTIVE PROBLEM. THE ISSUES HAVE BEEN CONSISTENTLY LINKED DURING TWO YEARS OF DISCUSSIONS BETWEEN OUR RESPECTIVE DELEGATIONS.

(E) WE ASKED FOR YOUR SUPPORT ON THIS VITAL US INTEREST IN RETURN FOR OUR WILLINGNESS TO ACCEPT THE ARCTIC ARTICLE, WHICH PROTECTS A VITAL AND RELATED CANADIAN INTEREST.

(F) I HOPE THAT I CAN HAVE A RAPID RESPONSE FROM YOU ON THE ARTICLE AND THE RELATED UNDERSTANDINGS SO THAT WE CAN HAVE A COMMON OBJECTIVE ON THESE ISSUES. END.

5. CONTINGENCY TALKING POINTS.

(A) IF MACEACHEN INDICATES THERE MAY BE FURTHER US-CANADA NEGOTIATIONS ON STRAITS, SECRETARY MAY USE FOLLOW-SECRET

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ING POINTS: I UNDERSTAND THAT CANADA HAS CONCERNS RELATED TO STRAITS ISSUES AND THAT THE US DELEGATION HAS WORKED WITH YOURS TO SOLVE ONE PARTICULAR CANADIAN PROBLEM. HOWEVER, WE CANNOT TAKE THE RISK OF REOPENING SUBSTANTIVE QUESTIONS ON SUCH A VITAL ISSUE IN ORDER TO IMPROVE THE DRAFTING,

(B) IF MACEACHEN INDICATES BELIEF THAT PRESENT TEXT ON STRAITS IS NOT ACCEPTABLE IN CONFERENCE, SECRETARY MAY SAY: WE FEEL THAT, WHILE THERE ARE SOME STRAITS STATES WHO STILL OPPOSE US, THE GREAT MAJORITY OF STATES WILL ACCEPT THE STRAITS ARTICLES AS PART OF AN OVER-ALL ACCEPTABLE TREATY.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TOSEC, AGREEMENTS, POLLUTION CONTROL, MARINE TRANSPORTATION
Control Number: n/a
Copy: SINGLE
Draft Date: 05 MAY 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE108756
Document Source: CORE
Document Unique ID: 00
Drafter: D/LOS:PBERNHARDT
Enclosure: n/a
Executive Order: X3
Errors: N/A
Film Number: D760172-0379
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760588/aaaacxdy.tel
Line Count: 216
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN DLOS
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: 76 OTTAWA 1721
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 12 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 APR 2004 by BoyleJA>; APPROVED <13 APR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: ARCTIC POLLUTION ARTICLE
TAGS: PLOS, UR, CA, US, XQ
To: SECRETARY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006